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October 28, 2003

RECEIVED
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SUPERIOR COURT, DEPT. 16
SCOTT KAYS

The Honorable Scott L. Kays, Presiding Judge
Superior Court of the County of Solano County
Hall of Justice
530 Union Avenue
Fairfield, CA 94533

Dear Judge Kays:

The Board of Supervisors is in receipt of the 2002/2003 Grand Jury Final Report pertaining to the following Solano County activities and/or functions:

- I. Solano County Registrar of Voters Absentee Ballot Instructions
- II. John F. Kennedy Library
- III. Solano County Department of Child Support Services
- IV. Black Infant Health Program
- V. Solano County Juvenile Hall Inspection
- VI. Detention / Holding Facilities
- VII. Solano County Sheriff/Coroner's Office Facility Inspection and Tour
- VIII. Solano County Sheriff-Coroners Office Next of Kin Notification Policy
- IX. Solano County Law Enforcement Compensation and Staffing Levels
- X. Public Safety Radio Interoperability
- XI. Standardized Emergency Management System
- XII. Solano County Zoning Code Enforcement
- XIII. Solano Building Code Enforcement in Allendale Area
- XIV. Homeacres Housing Rehabilitation Program
- XV. Solano County Flood Control

The Board appreciates the effort expended by the Grand Jury in its review of the various County programs and departments and welcomes the input provided. The Board's Response, follows the Department's responses previously provided directly to the Court.

I. Solano County Registrar of Voters (ROV) Absentee Ballot Instructions

The Grand Jury received a complaint that a voter had been denied constitutional voting rights to vote for local candidates and issues.

Findings and Recommendation

Finding #1 – The citizen was properly registered and had voted in the last General Election.

ROV Response – Registrar of Voters agrees with the finding. However, voting in the last General Election is not a condition to receive a ballot. Any properly registered voter is eligible to vote.

Finding #2 – Upon review of the non-military absentee ballot applications it became clear that an error had been made regarding the instruction sent to this voter.

ROV Response – Registrar of Voters agrees with the finding.

Recommendation – The form currently used for non-military absentee ballot applications be modified to include additional question(s) as necessary to eliminate this type of error.

ROV Response – The form used for the non-military absentee ballot application was revised based on the Grand Jury's recommendation.

Board of Supervisors' Response – *The Board of Supervisors concurs with the Department's response to the Grand Jury findings and that action has been taken to implement the recommendation.*

II. John F. Kennedy Library

The Grand Jury has the responsibility to examine all areas of county and city government to ensure that the beset interest of the citizens is being served. This year the Grand Jury visited the John F. Kennedy Library in Vallejo.

Findings and Recommendation

Finding #1 – The building is run down and old. The original carpet, which is 33 years old, is worn, torn and creates a safety hazard.

Recommendation #1 – The City of Vallejo allocate funds to upgrade the building, including replacing the carpet.

Library Response – The City has allocated \$95,000 to replace the carpeting on the second floor. The children's room on the first floor was recarpeted approximately 10 years ago. County staff

are working in conjunction with City staff to develop specifications for the purchase and installation of the carpet.

Finding #2 – Space allocated for library services is inadequate.

Recommendation #2 – The City of Vallejo should make more space available for library use.

Library Response – Staff are unclear why this recommendation was made regarding the Kennedy library, which has more than adequate space for library services and programs. There is a separate children's room on the first floor with its own enclosed area for programs. The Joseph Room on the second floor is used for larger programs and hosts the popular Sunday afternoon concert series. There are 250 seats in the library proper for casual reading as well as study and research, including the first floor children's room and the second floor library area. The collection has ample space.

Kennedy is the only library with a separate computer room with 20 computers that can be used for training or for general computer use by the public. To date, this library is the only County Library branch that offers this service. Finally, the Library's Literacy program, which is headquartered at the Kennedy facility will be moving to Fairfield in October, which will make space available for one or two group study rooms. All these services reflect what the community said they wanted during public input sessions that helped shape the Library's 20-year Facilities Master Plan.

Board of Supervisors' Response – *The Board of Supervisors concurs with the Department's response to the Grand Jury Findings and Recommendations.*

III. Solano County Department of Child Support Services (DCSS)

The Grand Jury elected to review the Solano County Department of Child Support Services.

Finding and Recommendation

Finding #1 – The Department of Child Support Services needs additional space.

DCSS Response – The department concurs with the finding of the Grand Jury.

Recommendation #1 – Funds be allocated for additional space.

DCSS Response – The department concurs with the finding of the Grand Jury. The recommendation has been implemented during the current budget year. The lease for the current site expires in October of 2004. Negotiations for a new site are currently being conducted. Funding will be provided through the Administration Planning Allocation as determined by the State Department of Child Support Services.

Board of Supervisors' Response – *The Board of Supervisors concurs with the Department's response.*

IV. Black Infant Health Program

The Grand jury elected to review the Black Infant Health Program.

Finding and Recommendation

Finding #1 – The Black Infant Health Program in the Solano County Health and Social Services (H&SS) Department has shown some success.

Recommendation – Continue this Program.

H&SS Response – The recommendation of the Grand Jury has been implemented, and the program will continue in 2003/04. Since inception of this program, 1,579 women have been served. The death rate for African-American infants has been reduced from 16 deaths per 1,000 live births in 1989 to 11 deaths per 1,000 live births in 2002. The goal is to reduce the rate to 4.5 deaths per 1,000 live births by 2010 (Healthy People 2010 objective).

The First Five Commission has funded an expansion of the program for 3 years. The expanded program will serve approximately 300 (3-year period) additional women, 180 expectant fathers, and extend services to Vacaville.

Board of Supervisors Response – *The Board of Supervisors concurs with the Department's response to the Grand Jury Finding and Recommendation.*

V. Solano County Juvenile Hall Inspection

In accordance with California State Penal Code Section 919(b) the Grand Jury is required to inspect all County detention facilities.

Findings and Recommendations

Finding #1 -- The Solano County Juvenile Hall is in good condition.

Probation Department Response – The Probation Department agrees with the finding.

Recommendation #1 – None

Finding #2 – Transporting juveniles to Juvenile Court is a critical issue.

Probation Department Response – The Probation Department and Juvenile Hall disagree with the finding.

Recommendation #2 – Hold court at the Juvenile Hall facility. If this is not feasible, the Sheriff's Office be responsible for transportation until the new facility is completed.

Probation Department Response – The recommendation will not be implemented because it is not warranted. Although the Administration of the Probation Department agrees that the transport of juveniles to Court hearings poses significant challenges, the Juvenile Hall has policies implemented that when followed provide for the safe and secure transport of residents. The funding for the construction of the new Juvenile Hall specifically instructed that it could not be utilized for court facilities. The County is providing a percentage of the funding for the new facility, however if some of that funding was diverted for the construction of a juvenile court facility, there would be inadequate funding for the detention facility. Additionally, when the new Juvenile Detention Facility is operational, there is a secure sally-port to facilitate a more secure transport environment. The Probation Department acknowledges that some Juvenile Hall residents pose a greater threat to the community due to the nature of their offense or other factors in their history. When these situations arise, the Probation Department requests that the Court order the Sheriff's Department to transport the resident, if the Court agrees with the request and makes such an order, the Sheriff's Department has always cooperated and facilitated the transport. The majority of residents do not require the level of security provided by the Sheriff's Department transportation unit.

Sheriff's Department Response – The Sheriff's Office does not agree with this finding. The Sheriff's office is not currently responsible for the transportation of juvenile offenders attending Court unless the Court deems that there is a potential threat to public safety and orders the Department to provide transportation. Transportation of all juvenile offenders from Juvenile Hall to Court could be a function of the Sheriff's Department if sufficient funding for necessary additional staff and equipment is provide in the Sheriff's budget.

County Administrator's Office (CAO) Response – The CAO does not agree with this finding. The addition of a juvenile court facility at Juvenile Hall was not part of the new Juvenile Detention Facility project due to funding constraints. The Court is a State entity and as of their transition to the State is required to fund the construction any additional courtrooms. Court funding was not made available in the Juvenile Detention Facility project, consequently a juvenile courtroom was not included in the design. It should be noted, however, that subsequent additions to the Juvenile Hall may include multipurpose rooms that could be pressed into service as hearing rooms for the Juvenile Court.

In addition, the CAO concurs with the Probation Department's response regarding their ability to transport juveniles to court. The Department is able to routinely transport juveniles to court. If this function were transitioned to the Sheriff's Department the cost of transporting juveniles would become more complicated and costly.

Board of Supervisors' Response – *The Board of Supervisors concurs with the Departments' responses to the Grand Jury Findings and Recommendations.*

VI. Detention / Holding Facilities

In accordance with California State Penal Code Section 919(b) the Grand Jury is required to inspect all County detention facilities.

Sheriff's Response – There were no findings or recommendations directly pertaining to the County jails in the report so no response was required from the Sheriff's Office.

Board of Supervisors' Response – *The Board of Supervisors concurs with the Department's non-response. Under Comments the Grand Jury expressed a concern with the time involved in the booking process from arrest to acceptance at the County jail. The Board supports the Sheriff's efforts to implement LiveScan fingerprinting for use by the Department and local police agencies to facilitate booking time.*

VII. Solano County Sheriff/Coroner's Office Facility Inspection and Tour

In accordance with California State Penal Code Section 919(b) the Grand Jury is required to inspect all County detention facilities. In addition, the Grand Jury elected to tour the Coroner's facility.

Fairfield Main Jail Finding and Recommendation

Finding #1 – The Fairfield facility often exceeds its inmate capacity and houses inmates on the floor.

Recommendation #1 -- The Sheriff develop a plan to deal with the overcrowding and present it to the Board of Supervisors in a timely manner.

Sheriff's Response -- The Solano County Sheriff has met with the County Administrator to discuss the issue of jail overcrowding. Solano County recently contracted with a consulting firm and the analysis necessary to identify the immediate and long term need for inmate beds in Solano County has been completed. A strategic plan in the form of a jail expansion and construction strategy identifying our immediate and projected need for jail beds out to the year 2025 was recently presented to the Solano County Board of Supervisors. The Solano County Board of Supervisors has accepted this report, indicating their support by a majority vote. What remains to be determined is an adequate funding source to support construction and staffing. In the interim, the Sheriff's Office will continue to minimize jail overcrowding by facilitating work release programs and the early release of qualified non-violent offenders.

Board of Supervisors' Response – *The Board of Supervisors concurs with the Department's response.*

VIII. Solano County Sheriff-Coroners Office Next of Kin Notification Policy

The Solano County Grand Jury investigated a citizen's complaint alleging the Coroner failed to make a timely death notification. The accident occurred at 1600 hours but complainant was not notified until 2230 hours.

Findings and Recommendations

Finding #1 – The Solano County Coroner did not follow its own Death Notification Policy. The notification was delayed because the Coroner did not deliver the bodies to the morgue before reporting to the second accident. Bodies from both accidents were delivered to the morgue at 2145 hours by the Coroner's vehicles and two contracted transporter vehicles.

Recommendation #1 – In instances of multiple accidents such as this, the contract transporter delivers bodies to the morgue. Then the on-site Coroner, en-route to the second accident calls and apprises the Supervisor of the situation. The Supervisor should then take on the responsibility of identification and notification.

Sheriff-Coroner's Office Response – Policy and Procedure for the Coroner function has been changed to clarify the death notification process. Whenever possible, Coroner's Investigators are required to make in-person death notification to next of kin, when the next of kin resides within the boundaries of Solano County. Coroner Investigators have been trained on this policy and every effort will be made to provide timely notification of next of kin. In the event of multiple deaths at differing locations, the on-duty Coroner Investigator is responsible for notifying the Supervisor. Once notified, the Supervisor will respond and assist the Coroner Investigator as necessary to make sure death notifications are made timely and personal property of the deceased is inventoried and properly stored.

Finding #2 – Returning victim's belongings to family in a garbage bag conveyed the image that belongings were perceived as trash.

Recommendation #2 – Belongings should be returned to families in a box or neatly wrapped in paper.

Sheriff-Coroner's Office Response – The practice of using plastic bags to store personal property has been abolished. Personal property is now stored in cardboard boxes and returned to family members in a cardboard container.

Finding #3 – The Grand Jury found the Coroner's report to be incomplete, with errors and not consistent with the CHP report or the Transporter statements.

Recommendation #3 – The Coroner's report should detail times of events accurately to ensure completeness and correctness in its reports. All reports and revisions should be dated and timelines noted.

Sheriff-Coroner's Office Response – The finding by the Grand Jury reflects the poor performance of a specific employee working at the Coroner's Office. The Coroner's Office was well aware of this employee's shortcomings and the employee was terminated for poor performance. The Solano County Civil Service Commission reinstated the employee and as a result the employee's poor performance continued, eventually creating the incident investigated by the Grand Jury. The employee no longer works for the Coroner's Office and the issues identified by the Grand Jury no longer exist.

Board of Supervisors' Response – *The Board of Supervisors recognizes the sensitivity of this issue and concurs with the Department's responses and corrective actions to the Grand Jury findings and recommendations.*

IX. Solano County Law Enforcement Compensation and Staffing Levels

The Solano County Sheriff's Office expressed concern that disparity of pay levels and benefits compared to area police departments was causing high attrition rates and difficulty in recruiting qualified law enforcement personnel.

Finding and Recommendation

Finding #1 – The number of unfilled deputy sheriff positions in the Solano County Sheriff's Office is not disproportional with the unfilled positions in the other agencies surveyed when adjusted for agency size.

Recommendation #1 – The Sheriff Office continue their aggressive recruiting programs to fill vacancies.

Sheriff's Response – As a result of aggressive recruitment, and with the assistance of the Solano County Department of Human Resources, the vacancy rate for deputy sheriffs has been reduced to six. As of the date of this response the Sheriff's Office continues to recruit deputy sheriffs and we have several candidates currently in process.

Board of Supervisors' Response – *The Board of Supervisors concurs with the Department's response.*

X. Public Safety Radio Interoperability

The Solano County Grand Jury identified a serious problem that currently exists within Solano County concerning the public safety radio and communication systems. These systems operate independently with no coordination and little interoperability among police, fire and medical agencies.

Findings and Recommendations

Finding #1 – The radio communication system presently used throughout Solano County prevents effective emergency communication between local emergency providers.

General Services Response – General Services concurs that the radio communication system presently used could be more effective between local emergency providers.

Recommendation #1A – A coordinated radio communication system be implemented within Solano County to allow interoperability between public safety agencies.

General Services Response – General Services concurs with the recommendation. It corroborates the work that Solano Emergency Communications Activity (SECA) has undertaken, particularly in the past two years. There appears to be no reluctance from any of the affected public safety agencies, or from the City Managers and the County Administrator to move forward. Additionally, the executive level of local government supports our efforts to date in the pursuit of the three primary objectives that we set for ourselves to attain:

1. Radio Interoperability amongst Public Safety Agencies within Solano County
2. The Sharing of Data amongst Public Safety Agencies within Solano County
3. The Consolidation of the Public Safety Answering Points (PSAPs)

SECA continues to meet regularly, working towards measurable milestones such as the completion of a Memorandum of Understanding that should lead toward the inevitable Joint Powers Authority, short and long term approaches to radio interoperability and data sharing, and recommendations to define the logical steps to consolidate the six PSAPs.

It is important to note the fiscal prerequisites necessary to fund a well coordinated radio communication system. The SECA steering committee recommends a phased approach to solve the radio and data sharing objectives, acknowledging the reality that the estimated cost of a long term and comprehensive solution would be approximately \$42 million to \$52 million. The short term solution for radio interoperability and data sharing would cost approximately \$3 million. This provides technology for interfacing existing disparate radio systems and foresees a common data “warehouse” for the Computer Aided Dispatch/Radio Management Systems, whereas the long term solution foresees a large countywide trunked radio system proportioned to each agency’s specific requirements. The steering committee believes that it may be more realistic to secure funding in the form of Homeland Security grants and or grants earmarked specifically for radio interoperability. The amount of the grants is likely to be up to a few million dollars per year for the next 2 or 3 years, if we demonstrate the will to create a regional, multi-jurisdictional system.

The Grand Jury Report seems to emphasize the consolidation of PSAPs more than the other two objectives set by SECA. I concur with the steering committee in that we must resolve the radio interoperability and data sharing as prerequisites to the consolidation of PSAPs, lest we set the PSAPs up for failure in our haste to meet that specific objective. I do think that it is possible to

continue to work towards consolidation and recognize that it could very well require 3 to 5 years to accomplish this goal.

The SECA steering committee accepted the Needs Assessment report performed by RCC Consultants Inc. and is currently using that report to form a recommendation to the City Managers and the County Administrator. It is also important to note that each PSAP does currently have the technology in place to set up audio patches from any radio channel that appears on the consoles to any other radio channel, albeit without clear guidelines on how and when to use this capability.

The Grand Jury's comments in Section V pertaining to the benefit for the County Emergency Operations Center to have access to an interoperable radio system is very true, although the Emergency Operations Center does already have a cache of deployable radios as well as mobile radios installed in the Mobile Command vehicle, thus affording them a means of communicating to any public safety agency within Solano County, including Travis AFB and each city.

Recommendation #1B – A permanent Joint Powers Authority be formed to oversee, coordinate and implement the emergency communications needs of Solano County. The Joint Powers Authority should consist of representatives from:

- Solano County
- Solano Emergency Medical Services Cooperative
- The cities of Benicia, Dixon, Fairfield, Rio Vista, Suisun City, Vacaville and Vallejo.
- All Fire Districts within Solano County
- Solano Community College Police Department
- Solano County Office of Emergency Services

General Services Response – General Services concurs that a Joint Powers Authority be formed to oversee, coordinate and implement the emergency communication needs of Solano County. Several agencies on the above recommended list currently contract with Solano County to use its radio infrastructure and may be represented by Solano County in the JPA. These include Solano Community College, the Fire Districts and the Office of Emergency Services. SECA's Steering Committee has thus far recognized the financial hardship that these smaller agencies would be faced with and recommends that the County continue to provide the infrastructure and dispatch capabilities without requiring them to participate in the JPA. These agencies would be required to become "fee-for-service" end-users when an interoperable radio and data system is realized.

Sheriff's Response – Solano County public safety agencies have formed the Solano Emergency Communications Activity (SECA) for the purpose of managing the process of attaining effectiveness and efficiency in countywide emergency communications. A needs assessment has been completed and SECA is currently seeking a funding source to support implementation of both short term and long-term solutions to our existing communication situation.

Office of Emergency Services/CAO Response – Solano County public safety agencies have formed the Solano Emergency Communications Activity (SECA) for the purpose of managing

the process of attaining effectiveness and efficiency in countywide emergency communications. A needs assessment has been completed and SECA is currently seeking a funding source to support implementation of both short term and long-term solutions to our existing communication situation. Representatives from SECA will continue to meet with the County/City Managers and affected agencies in an effort to reach a collective goal that will address Solano's radio interoperability problems.

Finding #2 – Consolidation of dispatch centers would be more efficient and provide a significant overall cost savings.

General Services Response – Solano County General Services concurs with this finding.

Recommendation #2 – A plan be formulated to implement two regional dispatch services in Solano County. This would provide a back up in case one center becomes temporarily inoperable.

General Services Response – We concur with the goal of consolidating the six city and county dispatch centers (PSAPs), but it is possible that three regional PSAPs would prove to be more desirable. If SECA wishes to segregate all PSAPs based upon type of service requested, (all police by one PSAP and all fire/medical by a second PSAP) then the two-PSAP configuration would be plausible technically.

Office of Emergency Services/CAO Response – Solano Emergency Communications Activity (SECA) has identified the consolidation of dispatch centers as one of three primary objectives established to improve emergency communications in Solano County.

East Vallejo Fire Protection District Response -- The County Administrator's Office concurs with the findings of the Grand Jury. The County has been one of the major planners and architects of the proposed Communications Interoperability study that has evolved into the Solano Emergency Communications Activity (SECA) work group. The SECA mission is to improve public safety radio communication compatibility in Solano County, with a final goal to have a unified communications system that is compatible with, and serves the needs of, all local safety organizations, State CHP and OES and several federal agencies including Travis AFB and the FBI.

The East Vallejo Fire Protection District was established for the purpose of disbursing special assessment revenues collected within the District's jurisdiction for fire protection services to citizens in the District which is an unincorporated pocket surrounded by the City of Vallejo. This District does not directly hire any fire protection staff. The fire protection services are performed under a contract with the City of Vallejo Fire Department and they are active participants in the work group that is working to address the incompatibility of the various radio systems in the County.

Board of Supervisors' Response – *The Board of Supervisors concurs with the Departments' responses to the Grand Jury findings and recommendations and supports the Solano Emergency*

Communications Activity work group in their efforts to improve radio interoperability in Solano County.

X. Standardized Emergency Management System

The Grand Jury, after reviewing previous Grand Jury Reports, elected to review the effectiveness and continued development of the Solano County Emergency Management System.

Findings and Recommendations

Finding #1 – The Emergency Operations Center (EOC) requires dedicated space to ensure complete operational capability is immediately available upon activation.

General Services Response – Solano County General Services concurs with this finding.

Recommendation #1: The Solano County Board of Supervisors monitor the building assignments plan during the renovation period of County buildings to ensure that the space currently planned for the EOC is not assigned to a less critical function.

General Services Response – General Services partially agrees with this recommendation and acknowledges that the EOC is a critical County function that should have dedicated space. Several existing County buildings in the downtown Fairfield campus will be vacated in whole or in part as a result of consolidating departments in the Government Center project. In early August 2003, a Steering Committee was formed to identify adaptive reuse opportunities for vacated facilities in the downtown Fairfield County campus.

In late June 2003, General Services presented the preliminary findings of the Adult Detention Needs Assessment and Master Plan to the Board of Supervisors. This Master Plan indicates the need to expand the existing adult detention facility in downtown Fairfield as early as 2008 based on current projections. If the Board adopts and implements the final Master Plan, the space that is currently planned for the EOC would be demolished to accommodate the expansion. On this basis, other viable options to provide dedicated space for the EOC (including adaptive reuse of vacated space not planned for demolition) should be identified and presented to the Board for consideration.

OES Response – The Office of Emergency Services (OES) agrees with the finding and recommendation of the Solano County Grand Jury. There are tentative plans to relocate OES into the 6,000 square foot Architects building located behind the Sheriff's Office. This would provide enough space for OES to build and maintain a dedicated Emergency Operations Center that would meet today's Operational Area standards and emergency alerting needs.

Sheriff's Response – The Solano County Sheriff agrees with the finding and recommendation of the Solano County Grand Jury and will defer response to Michael Johnson, the Director of Emergency Services and the Solano County Board of Supervisors, as this is a policy decision.

County Administrator's Office Response – The County Administrator understands the importance of providing adequate space for the Emergency Operations Center (EOC) and has tasked General Services' Architectural Services with identifying and equipping suitable space for the EOC as part of the downtown project.

Finding #2 – Communications capabilities of the EOC do not satisfy requirements to control a complex emergency.

General Services Response – Solano County General Services concurs with this finding.

Recommendation #2 – Ensure the EOC needs are incorporated in the current County study that is developing interoperability of radio communications between dispatch centers and mobile units of County and City agencies.

General Services Response – We concur with the Grand Jury findings except to note that the Office of Emergency Services does currently have four FCC licensed radio channels at its disposal to use within Solano County to manage or coordinate any type of disaster, two of which are used as a high level repeater. These radio channels are programmed into the EOC radios.

The requirements of the EOC will be addressed by SECA as it attains the goals described in the Public Safety Radio Interoperability section.

OES Response – Solano County is a member of the recently formed Solano Emergency Communications Activity (SECA). The specific needs of the Solano County Office of Emergency Services and the Emergency Operations Center are recognized and represented as SECA works to implement interoperable countywide emergency communications.

Sheriff's Response – Solano County is a member of the recently formed Solano Emergency Communications Activity (SECA). The specific needs of the Solano County Office of Emergency Services and the Emergency Operations Center are recognized and represented as SECA works to implement interoperable countywide emergency communications.

Finding #3 – Both the designated alternate EOC site and the mobile unit EOC require upgrade to provide an appropriate level of control during a major disaster in the event the primary EOC became unusable.

Recommendation #3 -- Evaluate the choice between a fixed or a mobile alternate EOC and consolidate all efforts into the better choice.

OES Response – Once a permanent location for the Office of Emergency Services and the Emergency Operations Center has been identified, the existing facilities at the Sheriff's Office may become a viable alternate site. The eventual relocation of the Office of Emergency Services and the Emergency Operations Center is a policy decision to be decided by the Solano County Board of Supervisors. The Solano County Office of Emergency Services is currently in the process of purchasing a new 42' Operational Area Mobile Command Unit with federal grant

funding. The new unit will be capable of functioning as a short term backup command center should the primary and alternate EOC go down. This unit will be available to all jurisdictions within Solano County under provisions of the grant and the direction of the Office of Emergency Services.

Sheriff's Response – The Solano County Office of Emergency Services is currently in the process of purchasing a new Mobile Command Unit with federal grant funding. The new unit will become primary and the existing unit will serve as alternate to the primary. Once a permanent location for the Office of Emergency Services and the Emergency Operations Center has been identified, the existing facilities at the Sheriff's Office may become a viable alternate site. The eventual relocation of the Office of Emergency Services and the Emergency Operations Center is a policy decision to be decided by the Solano County Board of Supervisors.

Finding #4 – Of 82 hazardous incidents that occurred within Solano County since January 1998, five exceeded the capabilities of Solano County Agencies. Trained Hazmat Entry Teams from the City of Sacramento and Napa County in accordance with Memorandums of Understanding satisfactorily controlled these incidents.

Environmental Management Response – The Department of Environmental Management agrees with the finding. The statistical information was collected and provided by the Department of Environmental Management.

Recommendation #4 – The Solano County Board of Supervisors carefully evaluate the comparative financial and response advantages of establishing a certified Hazmat Entry Team, of developing multi-agency teams, or of continuing memorandums of Understanding with certified Hazmat Entry Teams from non-county resources.

OES Response – The Solano Operational Terrorism Working Group has been addressing this problem ever since September 11, 2001. A special committee is tasked with the development and coordination of establishing a dedicated Haz-Mat response team for Solano County. Under the Federal Act supporting homeland security, initial funding has been secured to develop a 25-person multi-agency hazardous materials response team for Solano County. The majority of team members will be provided by local Fire Departments and some Law Enforcement agencies. Funding for a specialized Haz-Mat response vehicle has been secured through a federal Homeland Security grant. When the vehicle is delivered to Solano County, it will be assigned by the Office of Emergency Services (OES) to the Fairfield Fire Department per an agreement with the Fire Chief. This will provide a centralized location within the county for emergency response by multi-agency team members. OES is also working with the committee in an effort to secure funding for a team administrator who will make sure that all team members are trained and certified in accordance with local, state and federal laws. It is anticipated that the team will become fully equipped and operational by December 2004.

Sheriff's Response – Under the Federal Act supporting homeland security, initial funding has been secured to develop a 25-person multi-agency hazardous materials response team for Solano

County. It is anticipated that as Federal and State funding continues to be received this team will become fully equipped and operational by December 2005.

Environmental Management Response – Recently, the Department of Environmental Management has worked in cooperation with the County Sheriff's Department - Office of Emergency Services and the Solano County Fire Chief's Association, with the assistance of a consultant to conduct a desktop exercise testing the Solano Area Hazardous Materials Response Plan. The three groups continue to look at and evaluate the advantages of a local certified Hazmat Entry Team and how it might be staffed, funded, and maintained in light of the limited resources and relatively low demand here to for. It is expected that through the Office of Emergency Services and the current work in Bioterrorism preparedness, a report will be prepared and presented to the Board of Supervisors.

Board of Supervisors' Response – *The County Administrator, acting as the County's Director of Emergency Services, works closely with all County departments and the Board of Supervisors to ensure that adequate precautions are taken to ensure the preparedness of County staff to respond to any threat or emergency in the County. The Board of Supervisors concurs with the Department responses to the Grand Jury findings and recommendations.*

XII. Solano County Zoning Code Enforcement

The Grand Jury elected to investigate progress in resolving issues found in the 2001-2002 Grand Jury investigation into zoning code enforcement. Many responses were incomplete and indicated need for additional time to resolve.

Findings and Recommendations

Finding #1 – The last written guidance for County zoning code enforcement, provided by the Solano County Board of Supervisors (BOS) in 1996, is contradictory to the law and to varying and inconsistent policies since that time.

Recommendation #1 – The BOS publish an updated written policy to enforce the law as written.

Board of Supervisors' Response – *The Board has provided consistent direction and guidance to the departments that code enforcement is a priority for Solano County and that code enforcement should be pursued both through education, voluntary compliance as well as appropriate legal action. The departments responsible for code enforcement are not operating pursuant to an unidentified 1996 policy and have a clear understanding of Board direction.*

Various County departments are currently meeting to review and update the business license and zoning codes to provide additional policy direction to involved departments and facilitate compliance from local businesses and property owners. The revised codes should come to the Board of Supervisors later this fiscal year.

Finding #2 – The BOS has not provided Solano County Department of Environmental Management (DEM) and the County legal staff with sufficient staffing to enforce zoning codes.

Recommendation #2 – The BOS increase and fund personnel authorizations to the level necessary to effectively enforce zoning codes.

Environmental Management Response – The Board of Supervisors did fund and authorize and an additional Code Enforcement Officer position in the FY01/02 budget. The Department Director opted to hold the new position vacant through June 2003 Budget hearings, rather than face the potential for a layoff situation as Board was forced in February 2003 to require all departments to prepare and submit up to 20% reduction plans for their operating budgets for FY02/03. These reduction plans were requested as a result of the anticipated county impacts from the State Budget shortfalls and budget crisis. Code Enforcement has been identified as an important function and program by the Board of Supervisors as evidenced by their willingness to continue to fund positions in FY02/03, despite the fact that it is not a state or federal mandated program and it does not directly generate funds to cover the operating costs of such a program. The BOS has a business responsibility to have a balanced operating budget, and has many mandated services and programs, consequently, when resources are limited, county services and programs must be prioritized. The Department of Environmental Management (DEM) also has mandated programs and services in addition to non-mandated programs that serve the public. The Board and the County Administrator have supported additional time for DEM to further review and evaluate the current code enforcement efforts and options, focusing on utilizing existing available resources more effectively to maximize the program impact on the communities in lieu of additional resources.

County Counsel's Response – This matter is not under the control of County Counsel. We will continue to provide legal assistance to the Department of Environmental Management. We presently pursue an effective notice-based, nuisance complaint procedure. A complaint is not filed until the Department has exhaustively attempted to secure voluntary compliance. We provided examples of our code enforcement actions to the Grand Jury. Such actions reflect the Department's ability to abate nuisances in a number of ways and to recover its administrative costs. We continually refine our procedures and evaluate complementary administrative remedies.

Board of Supervisors' Response – *The Board of Supervisors continues to support departmental efforts to foster voluntary code compliance which can be accomplished by the additional staff allocated to the Department of Environmental Management. At this time, the Board feels that staffing in Environmental Management and County Counsel is sufficient in light of the current economic times. We do not feel we can increase staffing in a non-mandated function, while eliminating positions for programs that more closely reflect the Board's priorities of improving the lives of children, supporting health programs, and maintaining a safe community free from violence.*

Finding #3: The BOS has not utilized the opportunity to study and learn zoning enforcement procedures from neighboring counties in order to incorporate any useful ideas.

Recommendation #3: The BOS direct the DEM, Solano County District Attorney and County Counsel to review enforcement procedures and interdepartmental coordination of the neighboring counties and provide recommended changes to the county procedure.

District Attorney Response – The District Attorney does not concur with the Grand Jury's finding. In fact, almost a full year ago the District Attorney initiated meetings with the Department of Environmental Management and the County Counsel regarding enforcement of county ordinances *vis a vis* illegally operating businesses. Since then, we have met regularly, included additional departments and agencies, and are actively working to develop a more effective method to 1) identify illegally operating businesses, 2) conduct a thorough investigation, 3) take appropriate administrative action, and, if necessary, 4) refer the matter to the District Attorney for civil and/or criminal prosecution.

Moreover, the District Attorney's Office also continues to work with affected county agencies, as well as the various cities within Solano County, to develop a consistent and effective method of addressing county-wide code enforcement issues regarding blight. I remain firm in my belief that a "broken windows" approach is one of the key means of fighting crime. When code enforcement, law enforcement, and residents in the neighborhoods work together to eliminate blight, code violations, and unlawful business activities, the proven result is a significant reduction in both the number of violations and the seriousness of other crimes.

Over the coming months, I anticipate that the Board of Supervisors will have an opportunity to revise and update various ordinances dealing with code enforcement. The District Attorney's Office is committed to helping ensure that process is successful.

Environmental Management Response – While the BOS has not formally directed the three departments during 2002/03 to review enforcement procedures and the programs of several neighboring counties, discussion between the three departments began early in 2003. The three have met several times and have identified opportunities as well as a need to revise existing ordinance language to more effectively facilitate code enforcement.

Board of Supervisors' Response – *The Board of Supervisors concurs with departmental responses and feels that County Counsel and Environmental Management have conducted significant research on zoning enforcement systems in neighboring counties and cities. This information is being used to provide solid recommendations for improvements to the County's zoning enforcement procedures.*

Finding #4 - One-third of businesses surveyed in the Homeacres area have no business license.

Recommendation #4 - The Board of Supervisors (BOS) direct revision of the Solano County Code Chapter 14 to:

- Eliminate the Treasurer-Tax Collector from the business license process
- Assign the administrative processes of receiving the application and issuing the license to Department of Environmental Management (DEM)

- Direct the development of computer interface between the offices of DEM, Solano County Assessor-Recorder, Solano County Treasurer-Tax Collector and the Solano County Sheriff's Office so that license requirements can be quickly and accurately verified.

Environmental Management Response – The decision to remove the Treasurer- Tax Collector and transfer the duties to DEM is currently being evaluated as part of a group review effort lead by the County Administrator's office and County Counsel jointly, which began earlier the summer as part of an ordinance review and update of Solano County Code Chapter 14. Several departments including the Treasurer-Tax Collector, the Sheriff, the District Attorney, and DEM are involved in reviewing and suggesting revisions. The decision on whether to transfer the responsibility to DEM from the Treasurer-Tax Collector is still under consideration and would require discussions and decisions on staffing and costs or fees. The transfer of the duties, however, will not in and of itself address or resolve the Grand Jury's primary concern about businesses operating without permits or in inappropriate zoning districts and the need for enforcement. This would remain as a code enforcement issue, which is also under review presently.

DEM and the Assessor-Recorder already have an electronic interface utilizing the SCIPS secondary data screens, which enables the exchange information including business license. The Treasurer-Tax Collector also has access to this system, but the Sheriff does not. The Grand Jury recommendation, however, would fit more completely within the data fields in a countywide GIS. The Board of Supervisors funded a countywide GIS project in FY01/02. The project, which will include all parcels in the county and data about the parcels, is in its second year of development and it will be sometime before it is fully functional. In the interim the departments involved are meeting to develop a procedure and ordinance changes to better regulate businesses operating in the unincorporated county without a business license.

Treasurer-Tax Collector-County Clerk Response – The recommendation requires further analysis to determine the most efficient process for the County and the public.

A working group comprised of representatives from the Treasurer-Tax Collector-County Clerk's office, the County Administrator's office, County Counsel's office, the District Attorney's office, Environmental Management, Assessor-Recorder and the Sheriff's Department has been established to address the business licensing process and monitoring and tracking procedures. It is estimated that a recommendation can be forwarded to the County Administrator within three months.

Assessor Recorder Response – A great deal of the information collected by the Solano County Assessor/Recorder is confidential. The Assessor/Recorder cannot disclose the information to third parties unless specifically authorized to do so by statute. The Assessor/Recorder has no statutory authority to share this confidential information with the Department of Environmental Management. Therefore, although the Assessor/Recorder's Office agrees that computer interface between the departments as identified in Recommendation #4 would make the verification of license requirements more efficient, it cannot legally implement this recommendation.

Board of Supervisors' Response – *The Board of Supervisors feels this recommendation warrants additional consideration. The working group mentioned above is currently reviewing the County's Business License process to streamline it. If the working group feels relocating the function to the Department of Environmental Management is appropriate, the County Administrator's Office will work with the involved departments to facilitate the transition. At the same time, the work group will explore the development of a computer interface between the offices of Environmental Management, the Treasurer-Tax-Collector, the Sheriff's Department and the Assessor-Recorder.*

Finding #5 – Delinquent business taxpayers have been identified and assessments are being collected.

Recommendation #5 – Continue aggressive enforcement of the law.

Board of Supervisors' Response – *The Board of Supervisors concurs with this Grand Jury finding and recommendation.*

Finding #6 – Solano County procedures do not ensure that businesses bidding on county contracts are in compliance with County laws.

General Services Response – Solano County General Services disagrees with this finding because, pursuant to California law, County procedures require bidders on Public Works projects to submit confirmation of applicable licensure. All other parties contracting with the County must demonstrate compliance with applicable laws at the time of contract award.

Board of Supervisors' Response – *The Board of Supervisors disagrees with this finding. The County Administrator's Office, General Services and County Counsel has assured the Board that existing County policies require all parties contracting with the County to comply with all applicable laws when participating in County bids and contract awards.*

Recommendation #6 – Ensure procedures in the Solano County Policy Manual revision clearly identify all lawful requirements of the bidder.

General Services Response – General Services agrees with this recommendation. Procedures are included and will be published in the revised Purchasing and Contracting Policy Manual clearly stating all lawful requirements of the bidder.

Board of Supervisors' Response – *The Board of Supervisors concurs with General Services' response.*

Finding #7 – The BOS has not evaluated the direct cost to the County, economic cost to the residents, and the morale costs to the community, of sanctioned disregard of county zoning ordinances.

Recommendation # 7 – The BOS direct a study to evaluate the referenced costs.

Environmental Management Response – DEM is not aware if such a study has been conducted elsewhere that could be used as a model or sample, but if one exists we believe the BOS, CAO, and DEM would give it serious consideration. DEM staff is unclear what it would entail or how much a study of the economic cost to the residents, and the morale costs to the community from the current level of zoning ordinance enforcement cost to perform so we are not able to respond further to the recommendation at this time.

However, DEM does want to note that we disagree with the characterization that the BOS sanctioned disregard of county zoning ordinances and since 1993, the BOS has provided dedicated staffing, including increases in dedicated staff for enforcement in both DEM and County Counsel. In addition, the Board of Supervisors has supported and provided funding to update the Zoning Ordinance, complete the Zoning Consistency program, and develop automation tools to help staff compile and track complaints and identify violations.

Board of Supervisors' Response – *The Board of Supervisors disagrees with this recommendation because they not believe a study of this sort is necessary. The Board has provided affected departments with adequate resources to address code compliance activities in the unincorporated County. While Board policy has been to seek voluntary compliance, the Board will ask Environmental Management to evaluate whether this policy direction is effective and to make recommendations to the Board concerning any needed changes in the direction, policy or code that would allow them to more adequately address code compliance issues.*

XIII. Solano Building Code Enforcement in Allendale Area

The Grand Jury investigated a complaint submitted by four citizens pertaining to actions taken by the County to enforce building code requirements in the Allendale unincorporated area.

Finding and Recommendation

Finding #1 – The County requirement of providing direct notification of public hearings for permit procedures does not meet the needs of rural property owners. The current code only requires that property owners within 500 feet of the affected property are to be notified tens days prior to the hearing and notices be published in the local newspapers.

Recommendation # 1 – All applicable county codes be changed for rural properties to require notification of all property owners within one-half mile of the affected properties.

Environmental Management Response – Currently the zoning code and county subdivision code require that the county give 15 day notice to all adjacent property owners within 500 feet of the property line of the parcel on which a land use project is proposed. DEM has been working on updates for both the Zoning ordinance and the Subdivision Ordinance that we plan to propose to the Planning Commission and Board of Supervisors to consideration in FY03/04. DEM staff agrees that the current 500-foot notification is often inadequate in the rural residential, but may

be sufficient in the Rural Estate zoning district. DEM staff is already looking at noticing needs for the Agricultural Zoning district and will include the Grand Jury recommendation in the updates presented to the Planning Commission and BOS for their consideration in FY03/04.

Board of Supervisors' Response – *The Board of Supervisors concurs with the Department response to the Grand Jury finding and recommendation.*

XIV. Homeacres Housing Rehabilitation Program

The Grand Jury elected to reopen the investigation into the Homeacres Housing Rehabilitation Program. Some responses to the Grand Jury 2001-2002 Final Report were incomplete and the complainant's property damage was still uncorrected.

Findings and Recommendations

Finding #1 – The contract administrator for the Homeacres Rehabilitation Program, Mercy Housing, replaced their inspector and amended written inspection procedures.

Recommendation #1 – None Required.

Environmental Management Response – Grand Jury report indicates no further response required by department.

Finding #2 – Mercy Housing has implemented actions to ensure their management requires that contractors correct inferior materials and workmanship.

Recommendation #2 – No additional action required.

Environmental Management Response – Grand Jury report indicates no further response required by department.

Finding #3 – The response to the 2001-2002 Grand Jury Final Report and current testimony does not indicate any action by the County to revise contracting procedures to ensure contract enforcement by County Officials.

Recommendation #3 – The Solano County Board of Supervisors take appropriate action to ensure its agents and contractors meet all contract requirements.

Environmental Management Response – The recommendation will be addressed in FY2003-2004 and should be implemented prior to re-starting the loan program. This past spring (2003), the Board of Supervisors authorized DEM staff to suspend the loan program for up to two years to allow the County contractor to audit of the status of participants that have an income eligibility requirement for the existing loans, as well as allowing staff time to review of the program elements, and the performance of the existing contractor. In addition, several of the Board

members, requested that staff review of the program administration options, explore re-soliciting for program administration proposals before restarting a loan program outreach effort.

Finding #4 – No alternate procedure regarding contract requirements for industry standards is established to provide homeowner assistance if the individual disputes the contract administrator inspection decision. .

Recommendations #4 – The Solano County Board of Supervisors direct an addition to the program contracts that specifies an alternate procedure to resolve contract and industry standard disputes.

Environmental Management Response – The Department of Environmental Management agrees with the 2002/2003 Grand Jury recommendations. DEM staff as part of the program review shall review and amend the program administration contract. The program administration contract should specify that there be an alternate dispute resolution process and it should clearly define what, how and who will be responsible for inspection of work for compliance with industry standards.

County Counsel Response – This matter is not under the control of County Counsel. We will continue to provide advice to the Department of Environmental Management and the Board of Supervisors to secure the performance of Mercy Housing California.

Board of Supervisors' Response – *The Board of Supervisors concurs with the Department responses to the Grand Jury findings and recommendations.*

XV. Solano County Flood Control

The Grand Jury elected to continue the investigation into County Flood control policies and procedures initiated by the 2001-2002 Grand Jury. Many issues are unresolved and residents of some areas remain at risk.

Findings and Recommendations

Finding #1 – The Solano County Water Agency Act of 1988 identifies the need for flood control within Solano County but does not assign responsibility to any agency, regardless of the threat.

SCWA Response – SCWA agrees with the finding, but notes that the Act authorizes SCWA to undertake flood control activities.

Recommendation #1 – The Solano County Board of Supervisors and Solano County Water Agency request State legislation to establish direct responsibility on a County agency for flood control at specified levels of risk.

Environmental Management Response – The Department Environmental Management would encourage the Board of Supervisors and the County Administrator to look at the model we have

today and engage in a discussion about the level of flood control that is necessary or appropriate between the SCWA and the County before pursuing clarifying state legislation.

SCWA Response – Both the County and SCWA have authority to perform flood control functions. It is up to the governing board of both entities to determine the level of flood control that is appropriately performed by each agency in consideration of specific situations and available funding resources. Legislation requiring specified flood control activities would be inconsistent with each entity exercising its discretion regarding the level of involvement in flood control projects. SCWA is developing a Strategic Plan/Integrated Water Resources Plan that will examine whether the level of resources SCWA dedicates to flood control should change..

Finding #2 – Flood Control within Solano County is an optional responsibility of the SCWA that has received little attention. It has recently increased interest because of near loss of life from the December floods but continued long term interest against the more viable interest of water distribution in unlikely.

SCWA Response – SCWA disagrees with this statement. In 1998, the SCWA prepared a Flood Control Master Plan which addressed flooding issues which is the topic of the Grand Jury inquiry. Since then, SCWA has budgeted approximately \$400,000 per year for flood control activities to implement the Master Plan. In the current fiscal year, SCWA has budgeted over \$700,000 for implementing the Flood Control Master Plan. It is true that there is increased interest in flood control activities due to the severe flooding in certain parts of the County in the December 2002 storm event. The comment regarding that long-term interest in flood control is unlikely and is speculative.

Recommendation #2 – The Solano County Board of Supervisors and SCWA request state legislation mandating that flood control responsibility be assigned to the Solano County Department of Environmental Management. (DEM)

Environmental Management Response – DEM would encourage the Board of Supervisors and SCWA to evaluate and determine the level of flood control that is necessary or desired, and only then consider what government organization should be best suited to become the lead for this important public works function. This is currently a function that is shared by several agencies, however, it is a function that has in years past not been funded or staffed adequately to meet needs as they arose. The SCWA has increased its' resource commitments and the County has elevated the level of technical expertise of its' staff, but both legal and financial hurdles remain.

Futhermore, DEM respectfully disagrees with the Grand Jury recommendation that DEM be the lead agency. A comprehensive flood control program includes public education, implementation of regulations, and typically include the funding and oversight of a range of flood control projects, both small and large construction projects designed to resolve problems by removing or moving either the water or the structures that are in the path of the water. The Grand Jury recommendation is not consistent with the Board of Supervisor 2001 decision and indication that the Department of Environmental Management should not and would not be the County's public

works operation, instead the Board indicated that County lead for public works should be assigned the Department of Transportation.

SCWA Response – This recommendation requires further analysis and a joint response with Solano County Board of Supervisors. SCWA will respond within six months likely in coordination with DEM.

Finding #3 – Solano County residents have no readily identified procedure for reporting flooding situations.

SCWA Response – SCWA disagrees with this finding. SCWA is currently funding a program to increase public awareness of flood hazard situations in Solano County, but the program does not include a specific program for reporting flooding situations.

Recommendation #3A – The Solano County OES establish a single and clearly countywide telephone listing for receiving reports of flooding. The listing should be presented on the emergency page of telephone directories.

OES Response – The Office of Emergency Services is the appropriate agency to receive flooding information from the public who lives in the unincorporated area of the county and other local cities and jurisdictions. Every year during the flooding season, special phone numbers and other means of communication are established and well publicized. Unfortunately, over the years, each city has developed their internal method of collecting flood reports and the information does not always get passed on. OES is working with the cities and the media in an effort to resolve this problem. Before one general number can be listed on the emergency page of the telephone directories, an acceptable process has to be worked out with all cities and dispatch centers.

SCWA Response – This recommendation does not involve SCWA.

Recommendation #3B – The OES institute a public information program at the approach of each rainy season to insure the public is aware of the reporting procedures.

OES Response – The Office of Emergency Services is in the process of enhancing the annual flood awareness programs already in existence to include a reporting process that can be clearly understood by the public.

Environmental Management Response – No comment or response is required from the Department of Environmental Management.

SCWA Response – This recommendation does not involve SCWA.

Finding #4 – No agency within the County has procedures for recording a complete history and data base of flooding within the County.

SCWA Response – SCWA agrees with this finding. SCWA does collect information regarding flooding events, but it is not comprehensive nor is it complete.

Recommendation #4A – The OES upon receiving a report of flooding, should record the event for long term analysis.

SCWA Response – This recommendation does not involve SCWA.

OES Response – Each year OES records and maintains records of all flooding problems that are reported within the Solano Operational Area. Most cities do not readily share flooding information until such a point that the threat extends beyond the city limits or when a local disaster is declared. Efforts will be made by OES to obtain cooperation from all of the cities and local water agencies to record all incidents that occur within the county. This information will be maintained in the Emergency Operations Center.

Recommendation #4B – The County adopt the 1998 Flood Control Master Plan recommendation to obtain aerial photographs of all flooded areas immediately after a flooding event.

SCWA Response – This recommendation does not involve SCWA.

Recommendation #4C – The DEM review all reports and photographs of flooding for long term analysis to determine appropriate flood prevention and control measures.

Environmental Management Response – The Department of Environmental Management is not required to respond to 4A. DEM supports the recommendation to obtain photographs to document flooding (4B). DEM will review reports and photographs of flooding for long term analysis to determine appropriate flood prevention and control measures as part of DEM current responsibility to look at on site drainage and as part of the requirements for Storm Water Pollution Prevention, however the SCWA and the Board will need to review and determine lead agency responsibility for flood control planning and management.

SCWA Response – This recommendation does not involve SCWA.

Finding #5 – Solano County has no ordinance that specifies flood prevention requirements (water runoff control) for homes constructed in subdivisions that is not required for homes constructed on individually owned sites.

SCWA Response – This finding does not involve SCWA.

Recommendations #5 – The County establish or amend an ordinance to require equal flood prevention procedures for individually owned properties as for subdivision developments. (Funding through local assessment districts may be appropriate).

Environmental Management Response – The staff from the Department of Environmental Management agrees that flood protection is appropriate and will re-evaluate the current ordinances language in light of the past years experience.

SCWA Response – This recommendation does not involve SCWA.

Finding #6 – Solano County cannot require landowners in flood prone areas to install flood protection (berms & building pads) when building in areas not designated by FEMA as a flood plain.

SCWA Response – This finding does not involve SCWA.

Recommendation #6 – The County establish or amend an ordinance to establish engineering requirements for new homes being built in areas defined by historical analysis as flood prone engineering requirements for new homes being built in areas defined by historical analysis as flood prone.

Environmental Management Response – DEM agrees that this is desirable to avoid future property damage by encouraging property owners to build outside flood prone areas; however, we can only require improvements if the FEMA maps identify an area as such, consequently staff is investigating ways to both advise and document available historical information on parcels that currently are not shown as flood prone on the FEMA maps, so we can advise property owners. DEM will not be able to establish an ordinance to require additional engineering for new homes being built in areas defined by historical analysis as flood prone if they are not on the FEMA maps, but we can recommend that property owners consider alternatives. This will require a change in our permit intake and review process which should be in place prior to the commencement of the 2004 grading and building season.

SCWA Response – This recommendation does not involve SCWA.

Finding #7 – A small project grant program recipient cannot receive an additional grant for a similar project whether or not the condition was caused by factors beyond the landowner's control.

SCWA Response – This finding is inaccurate. The criteria for the Small Project Grant Program do not prohibit an individual from reapplying for a similar project. Staff has given priority to projects that have not received SCWA funding in the past. Additionally, if the landowner has not met its responsibility for maintenance of the SCWA implemented project, then the landowners is deemed in violation of the original agreement and should not be eligible for additional funding.

Recommendation #7 – Revise the small project grant program to permit additional grants when the condition was caused by factors beyond the landowner's control.

SCWA Response – There is no need to implement this recommendation because the Small Project Grant Program currently allows additional grants to a landowner who had previously received SCWA assistance.

Environmental Management Response – No response is required from the Department of Environmental Management; however, the Department of Environmental Management is supportive of the recommendation.

Finding #8 – The large number of environmental agencies and a widespread lack of understanding environmental laws and procedures deters individual landowners and some governing officials from employing appropriate waterway maintenance.

SCWA Response – SCWA agrees with this finding. However SCWA staff is available to assist landowners and governing officials in obtaining the necessary permits.

Recommendation #8A – Appropriate agencies (SCWA, DEM, Irrigation Districts, and Resource Conservation Districts) coordinate the development of informative bulletins explaining environmental agencies' functions and require distribution to concerned landowners.

Environmental Management Response – The Department of Environmental Management is supportive of the recommendation to develop informative bulletins for distribution, and will provide assistance as needed. Since drainage areas pass into and out of the cities, and residents move from cities or into the cities, the information developed could be done to serve more than one type of resident, but distributed by any of the agencies. We would propose that the work be coordinated through the existing Flood Control subcommittee lead by the SCWA. This group already includes the SCWA, DEM, the Resource Conservation Districts, and Solano Irrigation District as well as the cities. The SCWA has indicated in their response to this recommendation that it will lead the discussion and report back in 6 months.

SCWA Response – This recommendation requires coordination with other agencies and SCWA will report back within six months to the Grand Jury.

Recommendation #8B – The Resource Conservation Districts promote a direct assistance program to help individuals complete required applications to the numerous environmental agencies. The DEM provide the same assistance for individuals not residing in a resource conservation district.

Environmental Management Response – DEM currently provides assistance to property owners for applications that are processed by the County as part of processing the required permits and application. County staff are knowledgeable and able to provide assistance on the applications that the county requires and is responsible for. DEM is not currently staffed to provide assistance to individuals on other non-county permits and applications, nor do we necessarily possess the expertise to do so. It should be noted that currently applicants to the county pay fees which cover the cost for the services or permit approvals when the primary

benefit is to the property owner or the applicant. The Board's current cost recovery policy requires that departments strive to develop fees that recover 100% of the cost of services.

The Grand Jury recommendation that existing county staff also provide assistance to property owners to complete required applications to the numerous other outside environmental agencies would require evaluating the resource demands as well as the budgetary and legal implications of this additional service for DEM. While we agree that assistance may be desirable and needed for the property owner who is unfamiliar with the requirements or may lack the expertise to deal with state and federal agencies, it is premature to assign these duties until other decisions relating to the overall level of flood control and the administration/responsibility for Flood Control are addressed by the SCWA and the Board of Supervisors. (Please refer to the earlier DEM responses related to the other recommendations contained in the 2002-2003 Grand Jury report regarding Flood Control.) Typically, a lead agency, in this case the one designated for countywide flood control responsibility would identify funding and operating priorities to meet the needs of the community, and as part of this it would also address public information, outreach, and permit assistance.

SCWA Response – This recommendation does not involve SCWA.

Finding #9 – Waterways on private urban and rural property are often not cleared of debris by the owners.

SCWA Response – SCWA agrees with this finding.

Recommendation #9 – The Solano County Board of Supervisors establish an ordinance to require the maintenance by the property owner of waterways for which public agencies have no easement granted.

Environmental Management Response – The Department of Environmental Management agrees with the statement made in finding # 9, however, the passing of an ordinance does not insure that urban and rural water ways will be cleared properly. DEM and the Board of Supervisors will first need to determine who or how enforcement would occur if this were to go forward. DEM will have to report back in six months.

SCWA Response – This recommendation does not involve SCWA.

Finding #10 – The Flood Control Advisory Committee lacks adequate staff support.

SCWA Response – SCWA disagrees with this finding. Current staff levels are appropriate with the current program of implementing the Flood Control Master Plan. This does not preclude SCWA from providing additional staffing should implementation of the Master Plan require additional work.

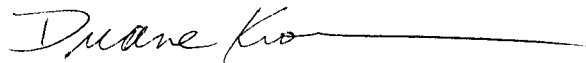
Recommendation #10 – Provide staff assistance for flood control purposes.

SCWA Response – See response to Finding No. 10.

Board of Supervisors' Response – *The Board of Supervisors concurs with the Department and SCWA responses (in SCWA's September 12, 2003 letter to the Grand Jury) to the Grand Jury findings and recommendations. Independent of SCWA, County staff will meet to determine primary areas of County responsibility for flood control and designate a lead County agency. The lead County agency will meet with SCWA to clarify and coordinate the responsibilities, roles and functions in a way that is agreeable to all involved agencies. The County and SCWA should work together to address flood control activities in the unincorporated areas of Solano County and coordinate their efforts to initiate actions that promote flood control.*

This concludes the Board of Supervisors' response to the Solano County 2002/2003 Grand Jury Final Report covering those County program areas for which the Board has responsibility.

Sincerely,

A handwritten signature in cursive script, reading "Duane Kromm", followed by a horizontal line extending to the right.

Duane Kromm, Chairman
Solano County Board of Supervisors